

FIRST REGULAR SESSION

SENATE BILL NO. 391

95TH GENERAL ASSEMBLY

INTRODUCED BY SENATOR SCHAEFER.

Read 1st time February 17, 2009, and ordered printed.

TERRY L. SPIELER, Secretary.

1921S.011

AN ACT

To amend chapter 319, RSMo, by adding thereto one new section relating to public safety arising from geologic sequestration.

Be it enacted by the General Assembly of the State of Missouri, as follows:

Section A. Chapter 319, RSMo, is amended by adding thereto one new section, to be known as section 319.600, to read as follows:

319.600. 1. As used in this section:

(1) "Entity", any person, group of persons, partnership, firm, association, joint stock association, corporation, cooperative, state agency, federal agency, political subdivision, municipality, any institution of higher education, or any other legal entity, whether profit or nonprofit;

(2) "Single injection site", all contiguous real property owned, leased, or licensed by the entity or entities engaged contractually in such injection at a particular location, regardless of where a release or migration may occur, within or without the single injection site, and regardless of the number of injection points within the single injection site.

2. The limits of liability for personal injury or death of any public or private entity arising from or related to the geologic sequestration of carbon dioxide or related substances resulting from the combustion of coal, natural gas, propane, or any other substances in the generation of electricity, or any sequestration research or testing related thereto, shall not exceed two million dollars for all claims arising from a single injection site and shall not exceed three hundred thousand dollars for any one person arising from a single injection site, except for those claims governed by chapter 287, RSMo.

22 **3. No award for personal injury or death arising from or related**
23 **to the geologic sequestration of carbon dioxide and related substances**
24 **resulting from the combustion of coal, natural gas, propane, or any**
25 **other substances in the generation of electricity, or any sequestration**
26 **research or testing related thereto, shall include punitive or exemplary**
27 **damages.**

28 **4. The limitations on liability set forth in this section shall**
29 **include any liability for the acts or omissions of the employees or**
30 **agents of the public or private entity involved or related to the geologic**
31 **sequestration of carbon dioxide and related substances or**
32 **sequestration research or testing.**

33 **5. If the amount awarded to or settled upon multiple claimants**
34 **exceeds two million dollars, any party may apply to the appropriate**
35 **circuit court to apportion his or her proper share of the total**
36 **amount. Such share shall be in the proportion that the ratio of the**
37 **award or settlement bears to the aggregate awards and settlements for**
38 **all claims arising out of a single injection site, but shall not exceed**
39 **three hundred thousand dollars.**

40 **6. Nothing in this section shall be construed to waive any**
41 **immunities or requirements of any cause of action, or create any cause**
42 **of action.**

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